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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,722	08/27/2002	Markus R Muller	13011	6910
7590	11/01/2005			
Orum & Roth 53 West Jackson Boulevard Chicago, IL 60604			EXAMINER CHAWAN, SHEELA C	
			ART UNIT 2623	PAPER NUMBER

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/088,722	<b>Applicant(s)</b> MULLER, MARKUS R	
	<b>Examiner</b> Sheela C. Chawan	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 August 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>July 29, 2002</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Preliminary Amendment***

2. Preliminary amendment filed on 4/27/01 has been entered.

***Information Disclosure Statement***

3. The information disclosure statement (IDS) submitted on July 29, 2002, the information disclosure statement is being considered by the examiner.

***Drawings***

4. The drawings are objected to because of draftsman's remarks (see attached PTO-948 paper number 10/28/05). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Objections***

5. Claim 1, is objected to because of the following informalities:

In claim 1, line 4, after fact change ",", to -- ; -- .

Appropriate correction is required.

***Claim Objections***

6. Claim 1, is objected to because of the following informalities:

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In claim 1, line 1, recites "Device for finger recognition, comprising a finger recognition sensor;

In claim 1, line 2, delete "with".

In claim 1, line 3, delete "with", the claim language should be to be written with proper usage of English words such as transitional phrase etc.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-20 are rejected under 35U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and /or use the invention.

***Claim Rejections - 35 USC § 112***

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1, is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 5 " that a finger recognition sensor is intended" as recited vague and unclear, what is meant by intended use or what is it referring to. Please need to explain.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Brooks at, el. (US.6,329,826 B1).

As to claim 1, Brooks disclose a device for finger recognition with a finger recognition sensor (fig 13, item 101, column 13, lines 24-49, column 17, lines 58-63) and with a housing (1) (fig 12a, item 112, column 17, lines 64-67, column 18, lines 1-16), at least partially enclosing the finger recognition sensor, characterized by the fact, that a finger recognition sensor is intended, which acquires the typical features of the finger (column 13, lines 24-49, column 17, lines 46-55),

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whereby a distance consists (column 14, lines 46-54) between the finger recognition sensor and the finger and/or between the housing (1) (column 19, lines 1- 44) and the finger (column 29, lines 21-27).

As to claim 2, Brooks discloses device according characterized by the fact that the finger recognition sensor is a visual sensor (fig 13, item 101).

As to claim 3, Brooks discloses device according characterized by the fact that the finger recognition sensor is active in the infrared wave range (column 43, lines 40-46).

As to claim 4, Brooks discloses device according to characterized by the fact that the finger recognition sensor is a capacitive sensor (column 13, lines 13-23, column 56, lines 17-22),

As to claims 5, 14, 15 and 16 Brooks disclose device according to characterized by the fact that a positioning device is intended for the accurate positioning of the finger relating to the finger recognition sensor (note, in fig 13, item 110 corresponds to finger is which is accurately position)

As to claim 6, Brooks discloses device according to characterized by the fact that the positioning device (3) exhibits a display device (fig 1, item 34, column 17, lines 19-23), which indicates to the user the place, at the finger is to moved past or to be positioned (column 17 lines 19-23).

As to claims 7 and 17, Brooks discloses device according to characterized by the fact as positioning device a transmitter is intended for the data acquisition of the position

of the finger and that an output unit informing the user about the position of the finger is intended (column 18, lines 17-32).

As to claims 8, 18 and 19 Brooks discloses device characterized by the fact that the positioning device exhibits light sources as display device and/or as output unit (fig 2).

As to claims 9 and 20, Brooks discloses device according to characterized by the fact that a positioning device is intended for the accurate positioning of the finger relating to the finger recognition sensor (column 5, lines 59-61).

As to claim 10, Brooks discloses device according to characterized by the fact that as positioning device a transmitter is intended for the data acquisition of the position of the finger and that an output unit informing the user about the position of the finger is intended (column 5, lines 62-67, column 6, lines 1-3).

As to claim 11, Brooks discloses device characterized by the fact that the limitation device consists of a horizontally or vertically arranged hoop (column 20, lines 5-11, column 24, lines 18-30).

As to claim 12, Brooks discloses device characterized by the fact that the limitation device consists of a horizontally or vertically arranged bar (column 20, lines 5-11, column 24, lines 18-30).

As to claim 13, Brooks discloses device characterized by the fact that the limitation device exhibits a life test sensor, which acquires the blood circulation or the pulse of the finger (column 24, lines 18-30).

***Other prior art cited***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Scott et al., (US. 6,111,977) discloses hand-held fingerprint recognition and Transmission device.

Bidiville (US. 6,084,574) discloses compact cursor pointing device utilizing photodetector array.

Tuli (US. 5,942,761) discloses enhancement methods and devices for reading a fingerprint image.

Salatino et al., (US.5,920,640) discloses fingerprint sensor and token reader and associated methods.

Jocoy et al., (US. 3,804,524) discloses apparatus for controlling fingerprint identification.

Tuli (US.5,818,956) discloses extended fingerprint reading apparatus.




***Contact Information***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheela C Chawan whose telephone number is. 571-272-7446. The examiner can normally be reached on Monday - Thursday 7.30 - 6.00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jingge Wu reached on 571-272-7429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Sheela Chawan  
Patent Examiner  
Group Art Unit 2623  
October 30, 2005